

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

## TELECOMMUNICATION SYSTEMS, INC.,

Plaintiff,

V.

LYNNE HOUSERMAN and MOTOROLA  
SOLUTIONS, INC.,

## Defendants.

LYNNE HOUSERMAN,

Plaintiff,

V.

COMTECH TELECOMMUNICATIONS  
CORPORATION, FRED KORNBERG, and  
MICHAEL D. PORCELAIN,

## Defendants.

**Case Nos. 2:19-cv-00336-RAJ-BAT  
2:19-cv-00644-RAJ-BAT**

**ORDER REGARDING LIMITED  
EXTENSION OF DISCOVERY  
DEADLINE FOR SELECT  
DEPOSITIONS**

This matter comes before the Court on the parties' Stipulation for the limited extension of the discovery deadline for select depositions. Dkt. 91, Case No. 2:19-cv-00336-RAJ-BAT; and Dkt. 102, Case No. 2:19-cv-00644-RAJ-BAT.<sup>1</sup> The parties have stipulated as follows:

<sup>1</sup> The Court consolidated discovery in these actions. See Dkt. 31, 2:19-cv-00336-RAJ-BAT; Dkt. 30, 2:19-cv-00644-RAJ-BAT.

1       1. On March 18, 2020, the parties filed a Stipulated Motion and Proposed Order  
2 Regarding Depositions and Amending Case Order. Dkt. 54, 2:19-cv-00336-RAJ-BAT; Dkt. 65,  
3 2:19-cv-00644-RAJ-BAT.

4       2. On March 24, 2020, the Court entered a minute order, resetting case deadlines.  
5 Pursuant to that minute order, discovery in both cases is to be completed by October 22, 2020.

6       3. The parties noticed a number of depositions to take place by remote means in  
7 September and October 2020. Those depositions include the Fed. R. Civ. P. 30(b)(6) depositions  
8 of Telecommunication Systems, Inc. and Comtech Telecommunications Corp. and Motorola  
9 Solutions, Inc. (collectively, the “30(b)(6) Depositions”); depositions of non-party witnesses  
10 Ethan Gibbs and Blair Jones formerly affiliated with the law firm Proskauer LLP, as well as a  
11 30(b)(6) deposition of Proskauer LLP, and the deposition of Brian David, a witness affiliated  
12 with the executive recruiting firm Egon Zehnder, as well as a 30(b)(6) deposition of Egon  
13 Zehnder (“Non-party Depositions”); and depositions of the parties’ experts (“Expert  
14 Depositions”).

15       4. The parties have conferred about the scope and/or scheduling of the 30(b)(6)  
16 Depositions, Non-party Depositions, and Expert Depositions. The parties have agreed to defer  
17 the 30(b)(6) Depositions until as many of the depositions of individuals have occurred as  
18 possible. The parties have further agreed to continue to confer about whether the topics for the  
19 respective 30(b)(6) Depositions may be further narrowed and/or eliminated as a result of the  
20 depositions of individuals that take place prior to the 30(b)(6) Depositions. The parties further  
21 stipulate and agree to limit the 30(b)(6) deposition of Motorola Solutions, Inc. to 7 hours on the  
22 record, and to limit the 30(b)(6) depositions of Comtech Telecommunications Corp. and  
23 Telecommunication Systems, Inc. to a total of 10.5 hours on the record.

1       5.     With respect to Non-party Depositions, the parties have agreed to conduct these  
2 depositions before November 13, 2020 due to the unavailability of the non-party witnesses  
3 before the October 22, 2020 discovery deadline.

4       6.     With respect to Expert Depositions, the parties have agreed to conduct these  
5 depositions, if at all, promptly after fact depositions and, with the exception of one expert noted  
6 below, before November 13, 2020.

7       7.     On September 11, 2020, the Court denied Motorola Solutions, Inc. (“MSI”) and  
8 Lynne Houserman’s motion for a protective order regarding the deposition of MSI Chief  
9 Executive Officer Greg Brown. Dkt. 82, 2:19-cv-00336-RAJ-BAT. Following that order, the  
10 parties have conferred about the scheduling of Mr. Brown’s deposition. Both sides and the  
11 witness would be available for the deposition on October 26, 2020, which is shortly after the  
12 current October 22, 2020 discovery deadline.

13       8.     On October 19, 2020, parties Comtech Telecommunications Corp.,  
14 Telecommunication Systems, Inc., Fred Kornberg and Michael D. Porcelain took the deposition  
15 of former MSI employee Manuel Cuevas. Due to a family emergency, the deposition adjourned  
16 45 minutes early. MSI and Mr. Cuevas have therefore agreed to provide the parties taking the  
17 deposition the opportunity to conclude the deposition, and the parties have agreed that such  
18 deposition will conclude on or before November 13, 2020.

19       9.     As a result of the deposition schedule in September and October 2020, the parties’  
20 discussions regarding scheduling Mr. Brown’s deposition, the parties’ discussions and agreement  
21 to conduct Non-party Depositions and Expert Depositions (with one exception due to witness  
22 availability) before November 13, 2020, the parties’ agreement to continue to confer in an effort  
23 to narrow and streamline the 30(b)(6) Depositions, and the family emergency necessitating the

1 deposition of Mr. Cuevas to adjourn early, the parties stipulate and agree that there is good cause  
 2 to extend the October 22, 2020 discovery cutoff for the sole purposes of: conducting Mr.  
 3 Brown's deposition, the 30(b)(6) Depositions, the Non-party Depositions and Expert  
 4 Depositions, and concluding the deposition of Mr. Cuevas.

5 Accordingly, it is **ORDERED** that the current deadlines are extended as follows:

6 <b>Event</b>	7 <b>Current Deadline</b>	8 <b>Extension</b>
All discovery to be Completed, with the Exception of select Non-Party Depositions noted below, Expert Depositions, 30(b)(6) Depositions, and Greg Brown's Deposition	10/22/20	10/22/20 (no change)
Greg Brown Deposition	10/22/20	To Be Conducted on 10/26/20
Non-Party Egon Zehnder and Brian David Depositions	10/22/20	To Be Conducted on 10/29/20
Non-Party Proskauer LLP; Blair Jones and Ethan Gibbs Depositions; 30(b)(6) Depositions; Expert Depositions of Elaine Lehnert, Mark Gustafson, and Todd Milbourn	10/22/20	To Be Conducted on or before 11/13/20
Conclusion of Manuel Cuevas Deposition	10/22/20	To Be Concluded on or before 11/13/20
Expert Deposition of Gary Goolsby	10/22/20	To Be Conducted on 11/17/20

17  
 18 No other case deadline or trial date is affected by this Order.

19 **DATED** this 21st day of October, 2020.

20  
 21   
 22 BRIAN A. TSUCHIDA  
 23 Chief United States Magistrate Judge